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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 766,573	01/23/2001	Daniel Sherwin	021619.0106	2345

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WASHINGTON, DC 20004-2400

EXAMINER
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BLACKMAN, ROCHELLE ANN J

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/766,573

Applicant(s)

SHERWIN, DANIEL

Examiner

Rochelle Blackman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,11,12 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 21 May 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney, U.S. Patent No. 3,589,757 in view of Takahashi, U.S. Patent No. 4,185,936.

Mooney discloses a "fast deployable light-weight tripod"(see FIGS. 1-4) comprising: a "center support...with three peripheral hinge members"(see 12 and 18 of FIG. 1); "at least three multistage telescoping leg assemblies..."(see 16 of FIG. 1) comprising "at least two compression-resistant members..."(see 20 and 22 of FIG. 1) comprising "at least one plastic, fiber-reinforced tube..."(see col. 2, lines 10-12); "at least one cam locking unit..."(see 58 of FIG. 1) having a "first engaged position which allows extension of said leg assembly"/ "each locking unit being urged towards its engaged position for automatic locking of said tripod in its deployed position with said cam locking being effected by pressure on said cam unit from its associated extended leg"(see col. 3, lines 25-34 and lines 61-65), and a "second disengaged position wherein said assemblies are free to move in either axial direction"(see col. 3, lines 20-

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25, lines 34-38, and lines 61-65); a "hand accessible release element..."(see 66 of FIGS. 2 and 4); "wherein the locking force provided by said cam locking unit when in its engaged position automatically increases as weight load increases as weight load increases on said center support"(see col. 3, lines 65 to col. 4, lines 1-6); and "wherein each of said cam locking units is provided with spring means..."(see 64 of FIGS. 2 and 4). Features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

Money does not appear to disclose a "shoe position between said at least one cam locking unit and a corresponding one of said leg assemblies, wherein said shoe is adapted to reduce an amount of stress applied to said corresponding leg assembly by said cam locking unit" and wherein each leg assembly comprising "three" compression-resistant members interconnected by an upper and lower telescopic joint".

Takahashi teaches providing a locking device for a telescopic tripod leg assembly with a pressure piece 18 in an opening 16 of leg element 1 and placed on the wall of the leg element 2, made of a plastic material having elasticity to a certain degree to prevent any damage to the leg elements as well as a spring piece 24 of material such as spring steel loosely inserted in opening 14 and placed on both elongated projections 20 of pressure piece 18 with pressure piece 18 and spring piece 19 located between cam 30 and leg element 2 (see FIG. 3 and col. 2, lines 29-34 and col. 3, lines 15-26).

Takahashi also teaches providing a telescopic tripod leg assembly with two locking devices 10 and 10' which serve to releasably lock leg elements 1 and 2 and leg elements 2 and 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the "fast deployable light-weight tripod" of the Money reference with pressure piece and/or spring piece between the "cam locking unit" and a "corresponding one of said leg assemblies" of the Money reference, as taught by Takahashi in order to prevent any damage to the leg assemblies.

It also would have been obvious to one ordinary skill in the art at the time invention was made provide Money reference with three leg elements, as taught by Takahashi since a tripod leg containing three leg elements is well known in the art and further, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

2. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney, U.S. Patent No. 3,589,757 in view of Takahashi, U.S. Patent No. 4,185,936, and further in view of Johnson et al., U.S. Patent No. 5,503,357.

Mooney and Takahashi disclose the claimed invention except for "a foldable hinged three-arm restriction member".

Johnson teaches that it is known to provide "a spreader"(see 26 of FIG. 1) to hold "supports"(see 14 of FIG. 1) together so as to "prevent them from sliding apart, and, further can be used to support the entire tripod for movement across the surface"(see col. 3, lines 17-31) comprising "three spreader legs"(see 26a, 26b, and 26c of FIG. 1)

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that "permit telescoping adjustment of their lengths"(see also col. 3, lines 17-31) having a "lock mechanism"(see 28a, 28b, and 28c of FIG. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tripod of the combined Mooney and Takahashi reference with a spreader to prevent the leg assemblies from sliding apart and three spreader legs, each having a lock mechanism, to permit telescoping adjustment of their lengths, as taught by Johnson.

### ***Response to Arguments***

Applicant's arguments filed March 26, 2003 have been fully considered but they are not persuasive.

Applicant argues, *Money fails at least to describe that the tripod includes "a shoe positioned between said at least one cam locking unit and a corresponding one of said leg assemblies, wherein said shoe adapted to reduce an amount of stress applied to said corresponding leg assembly by said cam locking unit"*.

Examiner asserts the combined Money, Takahashi, and Johnson reference teaches the claimed invention including "a shoe position between said at least one cam locking unit and a corresponding one of said leg assemblies, wherein said shoe is adapted to reduce an amount of stress applied to said corresponding leg assembly by said cam locking unit".

***Allowable Subject Matter***

Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or suggest the limitation, "wherein said hand-accessible release element arranged to disengage said lower telescopic joint is connected to a linkage arranged to simultaneously disengage at least one cam locking unit controlling said upper telescopic joint" of claim 6 in combination with the limitations of claims 1 and 5.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (703) 308-2879. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

RB  
June 16, 2003



RUSSELL ADAMS

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY